

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Panchayats – Gram Panchayat – Vadapalem Gram Panchayat of Machilipatnam Mandal of Krishna District – Review Petition filed by Sri Medisetty Naga Surya Candra Rao, Ex. Sarpanch of Vadapalem against orders of G.O. Rt No. 1322, PR & RD (PTS.II) Department dt. 15.9.2009 - Reviewed – cancellation of orders - Issued.

PANHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt. No. 285

**Date: 09-03-2010
Read the following:**

1. From the Dist.Collector (W), Krishna Dist Roc No. 1725/2007/,Pts.2, dt 3-06-2009.
2. From Smt K. Krishna Kumari, Sarpanch (Removed), Appeal Petition dt 24-06-2009.
3. G.O. Rt. No.1322, PR & RD (PTS.II) Department,dt 15-09-09.
4. Review Petition filed by Sri Medisetty Naga Surya Candra Rao, Ex. Sarpanch of Vadapalem, Machilipatnam, Krishna District 20-11-09.
5. Govt. Memo No. 23763/Pts.II/A2/2009-1.dt 5-01-2010.
6. Note from the A.A.O.,State Audit (ZP),Machilipatnam.

ORDER:

In the reference 1st read above, the District Collector (PW), Krishna District has issued orders removing Smt K. Krishna Kumari, Vadapalem Gram Panchayat, Machilipatnam Mandal of Krishna District from the post of Sarpanch under sub-section (1) of section 249 of the Andhra Pradesh Panchayat Raj Act, 1994 for misappropriation of Gram Panchayat funds.

2. Aggrieved by the above order, in the reference 2nd read above, Smt. K. Krishna Kumari, Vadapalem Gram Panchayat, Machilipatnam Mandal of Krishna District has filed an Appeal Petition before the Government requesting to suspend the impugned order issued by the District Collector(PW), Krishna District.

3. In the reference 3rd read above, Government has allowed the Appeal Petition filed by Smt K. Krishna Kumari, Vadapalem Gram Panchayat, Machilipatnam Mandal of Krishna District and accordingly set-a side the orders of the District Collector, Krishna (PW), dated 3-06-09.

4. Aggrieved by the said orders, Sri Medisetty Naga Surya Chandra Rao, Ex-Sarpanch of Vadapalem, Machilipatnam has filed a Review Petition before Government on the following grounds:

- i) The order under review passed by the Appellate Authority is a ' Non speaking order' without assigning any reasons much less not on merits.
- ii) The order passed by the Appellate Authority is illegal and unjust as the same is passed without hearing the original complaint.
- iii) The order passed by the Appellate Authority is liable to be reviewed as the same is passed without considering the material on record as placed by the Authorities concerned in a proper prospective.
- iv) The Appellate Authority at the outset would have suspend the order of removal instead of allowing the appeal directly without any further hearing in an hurried manner arbitrarily is against the very provisions of the Appeal rules and much less contrary to APPR Act and rules thereon.

5. In the reference 5th read above the case was posted for hearing on 18-01-2010 and informed the same to all the concerned to attend the hearing on the Revision Petition filed by Sri Medisetty Naga Surya Candra Rao, Ex. Sarpanch, Vadapalem, Machilipatnam before Hon'ble Minister (PR).

6. The case was heard on 18-01-10. Both parties, Divisional Panchayat Officer and Assistant Audit Officer State Audit (ZP) were attended. The advocate on behalf of the review petitioner has stated that the Sarpanch has indulged in misappropriation of

(p.t.o)

Panchayat funds and she could not account for, the expenditure incurred. The District Collector has rightly removed her from the office of Sarpanch. While disposing off the Revision Petition filed by the Sarpanch, the Government has specifically mentioned that the Audit Department will surcharge the Saranch for the inadmissible expenditure, if any. The Assistant Audit Officer who was present at the time of hearing has submitted a Note on the audit objections raised in the Audit Report for the years 2006-07 and 2007-08.

7. It is pointed out that the Sarpanch for which no particulars were produced to Audit incurred an expenditure of Rs. 55,599/- from XII Finance Commission funds. Similarly, an expenditure of Rs. 33,244/- was incurred from State Finance Commission Funds. The entire amount was drawn as advance by the Sarpanch for the work "providing GSB road from Kotha Vantena to D. Krishna Rao House" without starting the work in Vr. No. 1/18-10-06 of SFC cash book for the year 2006-07. Hence, suitable observations were raised in the Audit report. In respect of the expenditure of Rs. 20,000/- from General Funds, the Sarpanch has failed to produce the Minutes Book for verification to Audit. The Sarpanch has incurred an expenditure of Rs. 3,200/- and Rs. 1,400/- towards NMR works during the years 2006-07 and 2007-08 respectively and the works were not measured/check measured and the Sarpanch is asked about the drawls, she could not give a satisfactory reply for the expenditure incurred and also a part from the above, it is noticed that the Sarpanch has incurred expenditure frequently without the approval of Gram Panchayat, which is a clear act of abuse of powers. The Sarpanch could not produce the relevant records either to Audit Department or to inspecting Officers so as to verify the genuineness of the expenditure.

8. Government after careful examination and taking all the above facts into consideration, hereby cancelled the orders issued in G.O. Rt.No.1322, PR&RD (Pts-II) Department dated 15-09-09. Consequently the orders of the District Collector, Krishna District issued Proceedings dt. 3.6.2009 vide reference 1st read above shall be in force.

9. The District Collector (PW), Krishna District shall take further necessary action for realization of amounts from the Sarpanch as per the objections and observations of the Audit.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The District Collector (PW), Krishna District, Machilipatnam.

Copy to:

The Commissioner, PR & RE, Hyderabad

The District Panchayat Officer, Krishna District, Machilipatnam.

Smt. K.Krishna Kumari, Vadapalem Gram Panchayat, Machilipatnam Mandal, Krishna District.

Sri Medisetty Naga Surya Candra Rao, Ex. Sarpanch of Vadapalem, Machilipatnam.

The Assistant Audit Officer, State Audit (ZP), Machilipatnam, Krishna District.

The Law (A) Department.

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER